

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 301 Recycling

SPONSOR(S): Environment & Natural Resources, Long and others

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 692

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Environmental Protection</u>	<u>8 Y, 0 N</u>	<u>Kliner</u>	<u>Kliner</u>
2) <u>Environment & Natural Resources Council</u>	<u>17 Y, 0 N, As CS</u>	<u>Kliner / Perkins</u>	<u>Dixon / Hamby</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

CS/HB 301 requires each state agency, the judicial branch of state government and the State University System to collect and sell, to the greatest extent practicable, aluminum, glass, and plastic beverage containers, and other recyclable materials. Current law provides for the same requirement for recyclable materials, but does not specify the specific materials. In addition, every organization, association, business or institution that is operating in the state and receiving state funds is also required to collect and offer for recycling aluminum, glass, and plastic beverage containers, and other recyclable materials to the greatest extent practicable. The same requirement is imposed on all public airports to collect and sell recyclables from airlines and businesses operating at the airport. Airport administration offices, airport vendors, and airlines are encouraged to coordinate the collection of recyclable waste to the greatest extent practicable. The provisions relating to airport recycling activities are not intended to interfere with any already established recycling activity.

The effective date is July 1, 2008.

The fiscal impact of the bill is indeterminate on state and local government due to the unknown number of entities that would participate with the recycling provisions.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promote personal responsibility. The bill requires public airports, as well as every organization, association, business or institution that is operating in the state and receiving state funds, to collect and offer for recycling, to the greatest extent practicable, aluminum, glass, and plastic beverage containers, and other recyclable materials. If not already recycling, these entities would pay the cost for collection and storage. The bill allows these entities to retain and use proceeds from the sale of the materials for recycling to offset costs associated with collecting and recycling the materials.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

Section 403.7145,(1) F.S., requires the House of Representatives, the Senate, the Capitol complex, including the Governor and Cabinet officers, to collect and sell wastepaper and aluminum beverage cans generated by employee activities in these offices. Proceeds of the sale of such materials and products may be used for employee benefits and other purposes in order to provide incentives for employees to participate in the recycling program. Such proceeds may also be used to offset any recycling program costs.

Section 403.7145,(2) F.S., requires state agencies, the judicial branch, and the State University System to collect and sell, to the greatest extent practicable, *recyclable materials* and products used during the operation of facilities and offices. The section is silent on specific recyclable materials. Proceeds of the sale of such materials and products may be used for employee benefits and other purposes in order to provide incentives for employees to participate in the recycling program. Such proceeds may also be used to offset any recycling program costs.¹ Currently, there is no central data base that is tracking which agencies are actually recycling and how much material is recycled.

There is no current state law in the state regarding recycling by airports, nor is there a requirement for businesses doing business with the state to recycle. According to a national study done by the Natural Resources Defense Council (December, 2006),² there are over 500 commercial airports in the country, the largest 30 airports account for 70 percent of all passengers air traffic; 37 medium-sized airports account for an additional 20 percent. Five airports that responded to a waste survey provided data estimating that each air passenger accounted for 1.28 pounds of waste generated. Assuming this estimate, the 30 largest U.S. airports combined may have generated more than 300,000 tons of waste in 2004. The national recycling rate is approximately 31 percent; the recycling rate for waste streams in airports may be as low as 17 percent.³

¹ Section 403.714(1), F.S., states that it is a duty of state agencies, the judicial branch and the State University System, in cooperation with the Department of Environmental Protection and the Department of Management Services, to establish procedures to collect, store, and sell "all recyclable materials generated in state offices and institutions throughout the state, including at a minimum, aluminum, high-grade office paper, and corrugated paper."

² Trash Landings - How Airlines and Airports Can Clean Up Their Recycling Programs, by Peter Atkin, Darby Hoover, and Allen Hershkowitz, Ph.D., found at <http://www.nrdc.org/cities/recycling/airline/airline.pdf>

³ Id., pages 7-8.

Effect of Proposed Changes

The bill requires each state agency, the judicial branch of state government and the State University System to collect and sell, to the greatest extent practicable, aluminum, glass, and plastic beverage containers, and other recyclable materials. In addition, every organization, association, business or institution that is operating in the state and receiving state funds is also required to collect and offer for recycling aluminum, glass, and plastic beverage containers, and other recyclable materials to the greatest extent practicable. The same requirement is imposed on all public airports to collect and offer for recycling recyclables from airlines and businesses operating at the airport. Airport administration offices, airport vendors, and airlines are encouraged to coordinate the collection of recyclable waste to the greatest extent practicable. The provisions relating to airport recycling activities are not intended to interfere with any already established recycling activity.

The requirement to recycle is “to the greatest extent practicable.” The bill provides no enforcement provision, and no tracking system to record how much is being recycled.

C. SECTION DIRECTORY:

Section 1: amends s. 403.7145, F.S, requiring each state agency, the judicial branch and the State University System to collect and sell, to the greatest extent practicable, aluminum, glass and plastic beverage containers, and other recyclable materials.

This section also requires each organization, association, business or institution operating in the state and receiving state funds, to the greatest extent practicable, collect for recycling aluminum beverage cans and recyclable plastic and glass at all locations where those entities operate. Proceeds received from the sale of these materials for recycling may be retained and used to offset the cost associated with collecting and recycling such materials.

This section requires that all public airports, to the greatest extent practicable, collect for recycling aluminum beverage cans and recyclable plastic and glass from the airlines and other entities doing business at the airport. Proceeds received from the sale of these materials for recycling may be retained and used to offset the cost associated with collecting and recycling such materials. Airport administration offices, airport vendors, and airlines are encouraged to coordinate the collection of recyclable waste to the greatest extent practicable. The provisions relating to airport recycling activities are not intended to interfere with any already established recycling activity.

Section 2: provides an effective date of July 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments

2. Expenditures:

See Fiscal Comments

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments

2. Expenditures:

See Fiscal Comments

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Increased demand for recycling services should result in some expansion of the recycling industry along with an increase in employment opportunities.

D. FISCAL COMMENTS:

State

Each state agency, the judicial branch of state government and the State University System is already statutorily required to recycle recyclable materials. This bill reinforces that requirement. For those state agencies and others that have not been collecting these items for recycling, there could be some initial costs for the program setup such as for recycling bins and carts. Any money received from the sale of such recyclable materials can be used to offset any such recycling program costs.

Local/Private Sector

The bill requires 1) every organization, association, business, or institution that is operating in the state and receiving state funds; and 2) all public airports operating in the state to collect and offer for recycling, to the greatest extent practicable, aluminum, glass, and plastic beverage containers, and other recyclable materials. It is not known how many entities would be affected by this provision. For those organizations that seek to follow recycling certain materials there may be some initial costs for collection infrastructure (bins and carts) and other setup costs. Also, there may be ongoing costs for recyclables collection service in those areas where such services are provided. Not all parts of the state have such services available to the commercial sector. The bill, however, provides that these entities may retain and use any proceeds they receive from the sale of recyclable materials to offset their costs.

The fiscal impact of the bill is indeterminate on state and local government due to the unknown number of entities that would participate with the recycling provisions or the associated costs.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, does not appear to reduce the authority that counties or municipalities have to raise revenue in the aggregate, and does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None noted

B. RULE-MAKING AUTHORITY:

No rulemaking authority is provided in the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

D. STATEMENT OF THE SPONSOR

HB 301 requires state agencies and organizations that receive state funds to implement comprehensive recycling programs. These entities are only required to implement recycling programs to the greatest extent practical and may retain and use any proceeds received from the sale of these materials to offset any costs associated with collecting and recycling.

In addition to obvious environmental benefits, participating entities are expected to experience a net economic gain. The collection and sale of recyclable materials often results in a profit for public and private sector entities and consistently results in a reduction of waste disposal costs and job creation in the local economy.

Bottom line: Recycling makes economic and environmental sense!

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On April 23, 2008, the Council on Environment and Natural Resources adopted one council substitute amendment. The difference between the bill as originally filed and the CS are as follows:

- Airport administration offices, airport vendors, and airlines are encouraged to coordinate the collection of recyclable waste to the greatest extent practicable, and
- The bill provisions addressing airport recycling activities are not intended to interfere with any already established recycling activity.